

TME-2217 - Application No. 10/538,168
Response to Office action August 6, 2008
Response submitted November 6, 2008

Remarks/Arguments:

Reconsideration of the application is requested.

Claims 1, 4, and 20 remain in the application. Claims 1, 4, and 20 have been amended. Claims 2, 3, and 5-19 are being cancelled herewith.

In item 2 on page 2 of the above-identified Office action, claims 1, 2, 5, 8, 11, 14, and 16 have been rejected as being fully anticipated by Voss (U.S. Patent No. 3,667,465) under 35 U.S.C. § 102.

The rejection has been noted and the claims have been amended in an effort to even more clearly define the invention of the instant application. The claims are patentable for the reasons set forth below. Support for the changes is found in claims 1 and 3, Fig. 2, and in paragraph 0015 of the specification.

Before discussing the prior art in detail, it is believed that a brief review of the invention as claimed, would be helpful.

Claim 1 calls for, *inter alia*:

a package having a chamber formed therein, the chamber being configured for retaining a suppository therein, the package having another chamber formed therein, the other chamber being separate from the chamber and being configured for retaining a lubricant therein.

The Voss reference discloses an applicator tube (10) for a suppository (16) disposed in a chamber of a packaging container (20). The applicator tube (10) includes an inner tubular member (14) which acts as a press-out punch wherein a suppository also stuck in the tube and held by means of mechanical segments. The suppository (16) has lubricant applied to it at its tip.

The reference does not show a package having a chamber formed therein, the chamber being configured for retaining a suppository therein, the package having another chamber formed therein, the other chamber being separate from the chamber and being configured for retaining a lubricant therein, as recited in claim 1 of the instant application. The Voss reference discloses a lubricated suppository disposed in a packaging container having a single chamber. Voss does not disclose that the container has separate chambers formed therein

configured for retaining the suppository and the lubricant.
This is contrary to the present invention as claimed, in which
a package has a chamber formed therein, the chamber is
configured for retaining a suppository therein, the package
has another chamber formed therein, the other chamber is
separate from the chamber and is configured for retaining a
lubricant therein.

Since claim 1 is allowable over Voss, dependent claims 4 and
20 are allowable over Voss as well.

Since claim 1 has been amended to include subject matter of
claim 3, claim 1 will also be discussed with respect to the
following rejection.

In item 5 on page 3 of the Office action, claims 3, 4, 6, 7,
9, 10, 12, 13, 15, and 17-20 have been rejected as being
obvious over Voss (U.S. Patent No. 3,667,465) in view of
Hermelin et al. (U.S. Patent No. 6,375,956) (hereinafter
"Hermelin") under 35 U.S.C. § 103.

The Hermelin reference discloses a blister package wherein
provision is made for embedding the agents of different

tablets in different chambers in order to avoid undesired contact of substances reacting with one another.

This is a usual blister package as produced in millions. Hermelin discloses that different tablets to be used for one patient based on the day of the week, i.e. according to different times for administering.

Hermelin discloses a general blanket list regarding the possible different agents in column 15, line 59. Accordingly, it becomes clear that the above-mentioned state of the art does not read on the present invention because the combinations to be considered are: "... "suppository", [AND] "cream" (column 15, line 67). However, it is the combination of cream and a suppository, which is described in the instant application as disadvantageous and one to be overcome (page 1). Hermelin does not disclose a lubricant.

It is a requirement for a *prima facie* case of obviousness, that the prior art references must teach or suggest all the claim limitations.

As seen from the above-given remarks, the references do not show or suggest a package having a chamber formed therein, the

chamber being configured for retaining a suppository therein, the package having another chamber formed therein, the other chamber being separate from the chamber and being configured for retaining a lubricant therein, as recited in claim 1 of the instant application.

As seen from the above-given remarks, the Voss reference does not disclose the feature.

As seen from the above-given remarks, the Hermelin reference does not make up for the deficiencies of Voss.

The references applied by the Examiner **do not** teach or suggest all the claim limitations. Therefore, it is believed that the Examiner has not produced a *prima facie* case of obviousness.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claim 1. Claim 1 is, therefore, believed to be patentable over the art and since all of the dependent claims are ultimately dependent on claim 1, they are believed to be patentable as well.

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In view of the foregoing, reconsideration and allowance of claims 1, 4, and 20 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, counsel respectfully requests a telephone call so that, if possible, patentable language can be worked out.

If an extension of time for this paper is required, petition for extension is herewith made.

Please charge any other fees which might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner Greenberg Stemmer LLP, No. 12-1099.

Respectfully submitted,

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